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Yevamos Daf 114

Produced by Rabbi Avrohom Adler, Kollel Boker Beachwood

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**Tzvi Gershon Ben Yoel (Harvey Felsen) o”h**

May the studying of the Daf Notes be a zechus for his neshamah and may his soul find peace in Gan Eden and be bound up in the Bond of life

Rav Yitzchak bar Bisna once lost the keys of the study hall in a public domain on a Shabbos. When he came to Rabbi Pedas the latter said to him, ‘Go and lead some boys and girls [to the spot] and let them take a walk there, for if they find [the keys] they will bring them back’. [From this] it is clearly evident that he is of the opinion that if a minor eats neveilah, it is not the obligation of the Beis din to take it away from him. May it be suggested that the following provides support for his view? A man must not say to a child, ‘Bring me a key’, or ‘bring me a seal’; but he may allow him to pluck or to throw! Abaye replied: ‘To pluck’ [may refer] to a non-perforated plant-pot, and ‘to throw’ [may refer] to a neutral domain, [acts which are no more than prohibitions] of the Rabbis.

The Baraisa states: if a gentile comes to put out a Jew’s fire on Shabbos, we do not tell him to put out the fire (*when there is no danger to people, only to property*) nor not to put out the fire, as we are not commanded to ensure that they keep Shabbos. If a minor comes to put out the fire we tell him not to as we are commanded to ensure that a minor also keeps Shabbos. This seemingly proves that people must prevent minors from sinning!

Rabbi Yochanan answers that this is talking about a case where the minor is doing so because he sees his father is happy that he is going to put out the fire (*and it is therefore as his father commanded him to do so*).

The Gemora asks: If we assume that the first case regarding a gentile involves a similar scenario where the

gentile realizes that the Jew wants him to put out the fire, this would be permitted?!

The Gemora answers that in such a case a gentile puts out the fire for his own benefit, as opposed to a child who is doing so solely because he knows it will make his father happy. [*Therefore, the case of the gentile is considered as if he is doing so on his own, whereas the child is considered as if he is acting on the command of his father.*] (114a1 – 114a2)

The Baraisa states: If the son of a chaver (*someone who is careful to take off all of the appropriate tithes on produce mandated by the Torah*) frequently visits his mother’s father who is an am ha’aretz (*someone who is not careful about the above*), we do not suspect that his grandfather will feed him produce that was not tithed. If we find that the child is holding fruit (*from the visit*) we do not have to take it away from him. [*This seems to prove that we do not have to stop a minor from sinning!*]

Rabbi Yochanan answers that the Rabbanan were lenient regarding demai (*produce that we are uncertain whether or not it was tithed*).

It appears from Rabbi Yochanan’s statement that the leniency is because the fruit is demai. This still seems to prove we must stop a minor from sinning, as it implies that if the fruit were certainly not tithed the minor *would* have to be stopped! Didn’t Rabbi Yochanan himself state in a similar case that a child only has to be stopped if his



father is encouraging him to do so? *[In our case we do not find any such encouragement.]*

The Gemora answers that Rabbi Yochanan himself was unsure whether or not a minor had to be stopped, and would push aside proofs from one side with an answer for the other side, and vice versa.

The Baraisa states: If the son of a chaver who is a kohen frequently visits his mother's father who is a kohen am ha'aretz, we do not suspect that his grandfather will feed him terumah (*tithe given to the kohen*) that is impure. If we find that the child is holding fruit (*from the visit*) we do not have to take it away from him. *[This seems to prove that we do not have to stop a minor from sinning!]*

The Gemora answers that the fruit in this case is terumah d'rabanana (*rabbinically instituted tithe that is given in certain cases to the kohanim*). *[There is no proof that we would have to stop a minor who would be committing a Torah sin.]*

The Baraisa states: A baby can nurse from a gentile woman or an impure (nonkosher) animal and we do not worry about the fact that he is nursing from something forbidden. He should not be fed from neveilos (*animals that were not slaughtered properly*), tereifos (*sickly animals who were destined to die within twelve months*), crawling animals (*nonkosher*), and slithering animals (*nonkosher*). And from all of the above he can nurse (*if need be*), even on Shabbos. This is prohibited for an adult. Abba Shaul states that we used to nurse from a kosher animal on Yom Tov.

The Gemora asks: The Baraisa above says clearly that we do not stop a minor from nursing from unclean animals. *[This seems to prove that we do not have to stop a minor from sinning!]*

The Gemora answers that this is only permitted in a scenario where the child is in danger (*of dying of thirst*).

If such danger applies, the Gemora asks, it should even be permitted for an adult!

The Gemora answers that an adult would first need to be assessed whether or not he really needs to drink.

The Gemora asks: Why shouldn't we require a similar assessment for a minor?

Rav Huna, the son of Rabbi Yehoshua answers that a normal baby is presumed to be in danger without drinking milk. (113b3 – 114a4)

The Baraisa above quoted Abba Shaul as stating that they used to nurse from a kosher animal on Yom Tov. What is the case? If there was a danger, they would be permitted to do so on Shabbos as well!? If not, it should even be prohibited on Yom Tov (*as this is considered performing mefarek, loosely translated as removing something from its natural source, which is prohibited on Yom Tov*)!

The Gemora answers that the case was when they were suffering from not drinking (*but were not in danger of death*). Abba Shaul held that nursing is considered doing mefarek in an abnormal fashion. Therefore, on Shabbos where mefarek is normally punished by stoning, the Rabbanan declared that it should not even be done abnormally when suffering from thirst. On Yom Tov, when mefarek is only a negative prohibition, they allowed it to be done under these circumstances. (114a4)

### **More on Stopping a Minor from Sinning**

The Baraisa states: It is written: *Do not eat them for they are an abomination*. It means to say: You shall not cause others to eat them. The verse teaches us that we should warn the adults about the children. This must mean that



we must warn the adults to stop the children from eating nonkosher creatures (*and we must stop them from sinning*)!

The Gemora deflect the proof: No; it is possible that it means that adults, with their own hands, should not give them these forbidden items.

The Baraisa states: It is written: *All souls among you should not consume blood*. The verse teaches us that we should warn the adults about the children. This must mean that we must warn the adults to stop the children from eating blood (*and we must stop them from sinning*)!

The Gemora deflect the proof: No; it is possible that it means that adults, with their own hands, should not give them blood to consume.

The Baraisa states: It is written (regarding the prohibition for Kohanim against becoming contaminated with corpse tumah): *Say (to the Kohanim, the sons of Aaron)...and say to them*. The (*extra word of the*) verse teaches that we should warn the adults (*kohanim*) about the children (*that they should not come in contact with a human corpse*). This must mean that the adults must tell the children not to become impure (*and we must stop them from sinning*)!

The Gemora deflect the proof: No; it is possible that it means that adults, with their own hands, should not contaminate these minors.

The Gemora explains that all of these three teachings above were necessary (*and we could not have learned them from one teaching alone*). If the verse would only warn us not to give children nonkosher creatures, this could be because the amount which needs to be eaten to transgress the prohibition is very small (*see Rashi and Tosfos, top of 114b*). However, being that to transgress the prohibition against the consumption of blood, one needs a *revi'is* (*between 86-150 milliliters*), perhaps it is

not as stringent regarding not giving it to children. If it would just teach us regarding blood, we would think that this is because blood is a stringent prohibition punishable by *kares* (*person dies young, see Tosfos 2a*). However, perhaps this warning does not apply to nonkosher creatures, which does not have such a strict punishment. If the Torah stated this by both nonkosher creatures and blood, we would think that this only applies to a prohibition that applies to all Jews equally. The prohibition of not causing minor kohanim to become impure might not be included. If the Torah would only say this by kohanim, we would think it is because kohanim have many extra mitzvos (*and therefore must even be stringent regarding their children*). This might not apply to commandments like blood and of nonkosher creatures. This is why the Torah taught this lesson in all of these three verses. (114a5 – 114b1)

#### **Possible Proof from a Case Involving Yibum**

The *Mishnah* had stated: Two brothers, one who was a *pike'ach* (*possessed all of his senses*) and one who was deaf, who married two competent sisters. If the deaf brother dies, what should his brother do? The widow must be exempt from *yibum* because she is his wife's sister. If the competent brother dies, what should the deaf brother do? He must divorce his wife, and cannot marry his brother's wife. The Gemora asks: why does he have to divorce his wife? He is like a minor who is eating *neveilah* (*and we don't have to stop him from being from his forbidden wife*)!

The Gemora answers that he must divorce her because she is a regular adult and is prohibited from being with him (*see Rashi DH "mi'shoom dida"*).

The *Mishnah* had stated: Two competent brothers married two sisters, one of whom was deaf. If the husband of the deaf sister dies, what should his brother do? The widow must be exempt from *yibum* because she

is his wife's sister. If the competent brother dies, what should the husband of the deaf sister do? He must divorce his wife, and do chalitzah to his brother's wife. The Gemora asks: Why does he have to divorce his wife? He is like a minor who is eating neveilah (*and we don't have to stop him from being from his forbidden wife*)!

The Gemora answers that he must divorce her because he is a regular adult and is prohibited from being with her.

Rava quotes the *Mishnah* as discussing a case where two brothers, one of whom was deaf, married two sisters, one of whom was deaf. If the deaf husband of the deaf sister dies, what should his brother do? The widow must be exempt from yibum because she is his wife's sister. If the competent brother dies, what should the deaf husband of the deaf sister do? He must divorce his wife, and his brother's wife is forbidden to him forever. Rava asks: Here, the deaf husband and deaf wife are both like minors, and therefore do not have any prohibitions. Why, then, do we make him divorce her?

Rav Shemayah answers that people will think that the yevamah is permitted to marry someone else if they see the deaf couple carrying on a normal relationship. The Rabbis therefore decreed that they must divorce, clearly showing that there is still a zikah of the yevamah to her potential yavam. (114b1 – 114b2)

## WE SHALL RETURN TO YOU, CHEIRESH

### Mishnah

A woman traveled abroad with her husband at a time when she was not known to be quarreling with her husband, and it was a time of peace in the world. If she arrives (*returns*) and states that her husband died, she may remarry or have yibum performed (*if they did not have children*). If the couple were peaceful, but it was a time of war in the world, or if they were fighting and it

was a time of peace in the world, and she arrives and states that her husband died, she is not believed. Rabbi Yehudah states that she is never believed unless she comes to us crying and with ripped clothing. They told him that either way she can remarry. (114b3)

### Why She is not Believed During a Time of War

The *Mishnah* stated the case where they were at peace because it wanted to state the case where they were quarreling. It similarly stated the case where there was peace in the world because it wanted to state the case regarding when there was war.

Rava says: what is the reason why war makes her claim less legitimate? It is because she compares her husband's situation to the fate of people who were in similar situations. She thinks, "amongst all those who died he survived?" If you will say that if they were a peaceful couple she would wait until she actually saw that he died, there are times where even that is not sufficient. Sometimes a person will get hit with an arrow or spear and people will think they are definitely going to die, while there are some who will be bandaged and live. (114b3 – 114b4)

### Famine and Other Calamities

Rava originally thought to say that famine is not like war. However, Rava then retracted and said that a state of famine is like a state of war. This is because a woman came to Rava and said that her husband died in the famine. Rava remarked to her, "It is good that you ran away from that area and saved yourself! Do you think that if you would have stayed and given him a small quantity of sifted flour he would live?" [*He was trying to see if she ran away before he died and presumed him dead, or she actually saw him die.*] She responded "You also know that such a small quantity would not have helped him." [*This implies that she left when she presumed the situation was*

*hopeless, but did not see him dead.] Rav then stated that famine is worse than war (in this context). This is because a woman is not believed to state that her husband died in a time of war in the actual war, but she is believed to say that he died a peaceful death on his bed. However, during a time of famine until she says that he died and I buried him she is not believed.*

A fallen building is like a state of war, as she compares his fate to those who perished. An infestation of deadly snakes and scorpions is like war, as she compares his fate to those who perished. Some say a plague is like war, some say it is not. Some say it is, as she compares his fate to others who perished in the plague. Some say it is not, as she relies on the common phrase “seven years is a plague, and a person does not go before his years.” (114b4 – 114b5)

## INSIGHTS TO THE DAF

### Carrying a Siddur on Shabbos

The following is a discussion from Meorot HaDaf HaYomi: In places without a kosher eiruv, it is forbidden to carry outside on Shabbos. Today, most shuls are well stocked with siddurim. However, in generations gone by, people had to bring their own siddurim from home. It was then a common question how to daven in shul on Shabbos, if one could not carry his siddur from home. R' Akiva Eiger was once asked if a child could be given a siddur to carry to shul for his parents. For their own benefit: As we learn in our sugya, children may not be fed forbidden foods. Similarly, they may not be encouraged to transgress other prohibitions. However, the Rashba rules that this applies only to Torah prohibitions. Children may be encouraged to transgress a Rabbinic prohibition. As a proof, the Rashba cites the Gemara (Shabbos 139a), that forbids encouraging a child to sow kilayim (mixed seeds) even outside of Israel, where the prohibition is only Rabbinic. The Gemara explains that he might get accustomed to this

habit, and continue even after he grows up. From here it seems that only because of this fear, do we forbid encouraging a young child to sow Rabbinically forbidden kilayim. The general prohibition against encouraging children to sin, seems not to apply. The Rashba adds that the fear of him getting accustomed to sin applies only when we ask him to sin for our sake. When we ask him to do something for his own benefit, this does not apply. (For this reason, we encourage children to eat on Yom Kippur). Our streets are not reshus harabim: Accordingly, R' Akiva Eiger rules that although many Poskim hold that our streets are generally not reshus harabim by Torah standards (since they are not regularly traveled by 600,000 people), it is still forbidden to ask a child to carry a siddur for an adult to use. We may only ask him to carry a siddur for himself, and then look along inside with him (Teshuvos R' Akiva Eiger 15, cited in Biur Halacha 343). It will not lead to a Torah prohibition: In his public lectures, the Maharam Shick warned against asking children to carry outside where there is no eiruv. However, in his writings he finds some room to be lenient. He explains, based on the Rashba, that the general prohibition against encouraging children to sin does not apply to Rabbinic prohibitions. Furthermore, the concern that he might get accustomed to sin applies only to Rabbinic sins whose Torah counterparts are common. For example, kilayim is forbidden by Rabbinic law in the Diaspora, and forbidden by Torah law in *Eretz Yisroel*.

However, the Torah prohibition of carrying was almost inapplicable in the Maharam Shick's time, since there were no roads commonly traveled by 600,000 people. Therefore, perhaps small children may be asked to carry for their parents (Teshuvos Maharam Shik, 173).

The Shulchan Aruch's ruling: This question is relevant only according to the Rashba, who rules that there is no general prohibition against encouraging young children to transgress Rabbinic prohibitions. However, the Shulchan Aruch (O.C. 343) follows the opinion that even this is



forbidden. Therefore, there is certainly no room to permit asking a child to carry for an adult, even in a Rabbinically forbidden area.

Chinuch: Furthermore, this discussion concerns only children who are too young to be educated in mitzva observance. Nevertheless, our sugya forbids feeding them Torah prohibited foods. Here, the Rashba rules that Rabbinically prohibited foods may be fed to them. However, the Rashba certainly agrees that once a child has reached the age to be educated in mitzva observance, his father must teach him to observe all the mitzvos – both Torah and Rabbinic. Therefore, he may not carry a siddur even for himself (see Mishnah Berura 343 s.k. 3). R' Akiva Eiger seems to apply that the obligation of chinuch in mitzva observance begins at age nine. The Maharam Shick suggests that perhaps asking a child to carry a siddur to shul is also considered good chinuch, even if there is no eiruv, since one is educating him to daven.

#### DAILY MASHAL

##### *Double Language of Love*

The Baraisa states: It is written (regarding the prohibition for Kohanim against becoming contaminated with corpse tumah): *Say (to the Kohanim, the sons of Aaron)...and say to them.* The (*extra word of the*) verse teaches that we should warn the adults (*kohanim*) about the children (*that they should not come in contact with a human corpse*). This must mean that the adults must tell the children not to become impure (*and we must stop them from sinning*)!

The Admor from Pappa zt"l explained that there are many mitzvos where the Torah says, "Speak (daber) to the Children of Israel, and say to them." "Speak" is a harsh term, which indicates that they should uphold the commandments on account of fear of retribution; and "Say to them," a soft language, which connotes: the

fulfillment out of love for Hashem." However, regarding the Kohanim, the attendants of Hashem, they are required to be on a higher level, one where they are serving Hashem completely out of love and fear of His Exaltedness, which is also from an abundance of love. This is why the Torah uses the double terminology of "Say" and "Say to them." It is a double usage of the term denoting love. To reach this level, however, it can only be attained when the adults are warning the minors, for then, when they are still young, they will be trained to attach themselves to Hashem's mitzvos and his holy torah.